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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,327	07/05/2007	Pekka Pakkila	21865-0001 I-US1	8334
30678 7590 01/19/2010 CONNOLLY BOVE LODGE & HUTZ LLP 1875 EYE STREET, N.W. SUITE 1100 WASHINGTON, DC 20006				
EXAMINER				
ELHAG, MAGDI				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/590,327

**Applicant(s)**

PAKKILA ET AL.

**Examiner**

MAGDI ELHAG

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/22)  
Paper No(s)/Mail Date 08/23/2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is in response to the applications' communication filed on 07/05/2007. In virtue of this communication, claims 1-8 are currently pending in this office action.

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 08/23/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) and PCT priority under 35 U.S.C. 371.

#### ***Drawings***

3. The drawings were received on 08/23/2006. These drawings are reviewed and accepted by the examiner.

#### ***Claim Objections***

4. Claims 1-6 and 8 are objected to because of the following informalities: Claims 1-6 and 8 include reference numbers and letters in parentheses. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson, et al (US 6018232 A), provided by applicant in the IDS dated 08/23/2006, in view of Jalkanen, et al. (US 7145437 B2).
6. Considering claim 1, Nelson teaches a portable computing device having a communication feature (abstract), wherein the device includes "means and functions for making the terminal device to operate as a terminal device of a mobile telecommunication network for sending and receiving data (Col. 2 lines 40-42 the portable computing device with integrated RF and/ or wired modem); and further characterized in that "for minimizing the current consumption, the terminal device is

kept dominantly in a deep rest state as recited, and said means and functions are activated for short periods for sending or receiving data and the activation and operation of the terminal device for sending and receiving data is controlled individually by control data which is sent to the terminal device via the mobile communication network" (abstract, Col. 2 lines 53-59 the computing device is **maintained in a suspend state and upon receipt of the paging message**, a system management interrupt (SMI) is generated by the pager interface and directed to the main microprocessor (CPU) to resume operation of the CPU, which can also result in **turning on for instance of the radio modem to receive a message**). Nelson is silent in teaching that the computing device includes "means and functions for reading data from an object and for storing the data". However in an analogous art, Jalkanen teaches a mobile terminal that includes an RFID reader where the power consumption of the RFID reader is adjusted based upon the context of the mobile terminal depending on information received by the mobile terminal. Jalkanen further teaches that the sensed or measured data by the mobile terminal is stored as context data (Col. 7 lines 60-63). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Nelson by including an RFID in the mobile terminal, as taught by Jalkanen, so as to determine a context and/or a change of context of the mobile terminal (page7 lines 43-52).

7. Considering claim 2, Nelson in view of Jalkanen as a whole further teaches "the control data comprises data for activating the terminal device at a certain time whereby

a connection may be set up to the terminal device for sending or receiving data" (Nelson, Col.2 lines 45-50, Col. 3 lines 28-33, teaches **powering on the RF modem** in response to the paging message **and to receive information / invoking data transfer sessions**).

8. Considering claim 3, Nelson in view of Jalkanen as a whole further teaches "the control data comprises data for activating the terminal device to set up a connection for sending or receiving data in response to an information included in a data read from an object" (Nelson, Col. 3 lines 28-33, teaches application programs can be launched to perform various tasks, such as powering on the RF modem and invoking data transfer sessions **depending on the contents of the paging message received while the computing device was suspended**. Also see Jalkanen, Col. 7 lines 43-53 context data may be read from RFID receivers).

9. Considering claim 4, Nelson in view of Jalkanen as a whole further teaches "the control comprises data for activating the terminal device to set up a connection for sending or receiving data in response to starting the charging of the battery after a certain time from the starting" (Jalkanen, Col. 3 lines 11-21, teaches the mobile device may include **sensors to provide at least a portion of the information received regarding the environment of the mobile terminal such as temperature sensors** coupled to a switch to adjust the power according to the sensor's input, and the terminal also includes **a timer for tracking time between change of context of the mobile**

**terminal**), which may obviously be a battery charging sensor based on temperature for example.

10. Considering claim 5, Nelson in view of Jalkanen as a whole inherently teaches "the control data comprises data for denying the activation of the terminal device in response to an information included in a data read from an object" because, as taught by Nelson, different applications on the computing device can be launched depending on the content of the paging message (Nelson, Col. 3 lines 28-33, Col. 7 lines 11-16).

11. Considering claim 6, Nelson in view of Jalkanen as a whole further teaches "the control data is sent in a so called short message or similar (SMS) which is stored in the mobile telecommunication network and is receivable by the terminal device when activated and a connection having been set up to the mobile telecommunication network" (Nelson, abstract, Col. 2 lines 53-63, Col. 7 lines 11-16 **paging message** received by the paging message receiver integrated in the computing device).

12. Considering claim 7, Nelson in view of Jalkanen as a whole further teaches "for sending and receiving the data, including the control data, a data transfer connection is set up in the mobile telecommunication network using a suitable protocol" (Nelson, Col. 5 lines 25-28 **RF modem maybe a cellular telephone modem...**).

13. Considering claim 8, Nelson in view of Jalkanen as a whole further teaches "the current consumption is minimized in the rest state so that essentially only an interruption clock of a processor unit of the terminal device is active "(Nelson, Col 2 lines 53-57 a **system management interrupt (SMI)** is generated by the pager interface and directed to the main microprocessor (CPU) to resume operation of the CPU).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAGDI ELHAG whose telephone number is (571)270-3187. The examiner can normally be reached on Monday to Friday 9:30 to 6:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kent Chang can be reached on 571-2727667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAGDI ELHAG  
Examiner  
Art Unit 2617

/Kent Chang/  
Supervisory Patent Examiner, Art Unit 2617